

Why Register Your Trademarks?

In the United States, trademark rights are created by use. The first user of a mark in a geographic area, is the owner of that mark in that area. These rights, however, only extend to the areas where the mark has actually been used. To protect a mark throughout the country, even in areas where it has not yet been used, the user should obtain a federal registration for the mark. Having a federal registration means that the registrant's rights are superior to anyone who began using the mark after the trademark application's filing date. This nationwide "reservation" of the mark prevents junior users (any third party who uses the mark after the original mark is registered) from acquiring rights for the same or similar mark.

IN ADDITION TO GIVING THE REGISTRANT SUPERIOR RIGHTS TO ALL JUNIOR USERS, THERE ARE NUMBER OF OTHER IMPORTANT BENEFITS OF FEDERAL REGISTRATION, INCLUDING:

- Presumptions of ownership of the mark and of the exclusive right to use the mark, making enforcement easier and less expensive.
- Once a Section 15 declaration is filed after five years of continuous use, a Section 15 Declaration can be filed making the registration incontestable or immune from most attacks.
- The right to use the ® symbol is granted in connection with the mark.
- Making the mark easier for a Trademark Examiner to find, thereby making it easier to refuse potentially conflicting marks.
- Making the mark easier for competitors to find, in a search and hopefully select a dissimilar mark.
- Allowing the registration to be recorded with U.S. Customs, who can help in halting and seizing infringing and counterfeited goods.

These benefits more than justify the cost of registering a mark with the U.S. Patent and Trademark Office. Harness Dickey's team of experienced IP attorneys help clients through the trademark selection, searching, registration and enforcement processes at all state and federal levels, as well as at the international level. Our attorneys have registered more than 17,000 trademarks in more than 160 counties. Let us put our experience to work for you.